

PARTIES

4. Plaintiff, Christopher Harper, is a resident of Montgomery County, Ohio residing at 2536 Rondowa Drive, Riverside, Ohio 45431.

5. Defendant, City of Trotwood, is a hired municipality located within Montgomery County, Ohio.

6. Defendant, Officer Bethany Morrisett, is an officer serving within that county.

FACTS

7. On July 17, 2017, Plaintiff was working at a house he owned at 6562 Hoover Avenue in Trotwood, Ohio. It is not his primary residence, but is investment property.

8. On or about that day, Plaintiff was working in the garage at 6562 Hoover when he noticed a young woman looking into his truck. This woman would later be identified as a Ms. Kerri Schaffer. Mr. Harper did not know her at the time.

9. Ms. Schaffer approached Plaintiff in his garage, claimed to be overwhelmed by the heat, took off her shirt and bra, and passed out on the concrete floor. Plaintiff, suspecting an overdose, called 911 to help her. In doing so, he probably saved her life.

10. Shortly thereafter, a tall male officer arrived. His name is not listed on the police report.

11. Thereafter, Defendant, Officer Bethany Morrisett, arrived and began berating Plaintiff about his activities with Ms. Schaffer and charged him with obstructing official business because he did not know Ms. Schaffer's name. The crime of obstructing official business in the State of Ohio requires an affirmative act as part of its elements. A simple refusal to provide information or a refusal to assist is not obstructing official business.

12. Defendant, Officer Bethany Morrisett, handcuffed Plaintiff and placed him under arrest. He was placed in the squad car and transported a short distance before being released.

13. In order to cover her misdeeds, Defendant, Officer Bethany Morrisett, then filed a report containing false information. During the prosecution of Plaintiff, the Defendant, City of Trotwood, refused to turn over the body cameras of the arrest that would show that the report was false and constituted a cover-up of a wrongful arrest.

CAUSES OF ACTION

COUNT I

42 U.S.C. §1983 - Civil action for deprivation of rights

14. Plaintiff realleges and incorporates by reference the above paragraphs, as if fully set forth herein.

15. The act of arresting and detaining Plaintiff and charging him with obstructing official business without an affirmative act constitutes a violation of 42 U.S.C. §1983.

COUNT II

18 U.S.C. §101 – Records and reports

16. Plaintiff realleges and incorporates by reference the above paragraphs, as if fully set forth herein.

17. Filing a police report with false information is a violation of 18 U.S.C. §101 if it was done to cover-up an illegal arrest.

COUNT III

Unlawful Prosecution

18. Plaintiff realleges and incorporates by reference the above paragraphs, as if fully set forth herein.

19. Defendants herein refused to comply with numerous requests by criminal defense counsel to turn over their cameras from the arrest taken at the time of the incident. This refusal was made because the camera videos would show that the arrest was unlawful and the arrest report was intentionally misleading.

20. While the criminal case was eventually dismissed because Defendants refused to turn over this exculpatory evidence, the Plaintiff underwent months of prosecution and incurred expenses and mental anguish as a result.

COUNT IV

Common Law Wrongful Arrest and Prosecution

21. Plaintiff realleges and incorporates by reference the above paragraphs, as if fully set forth herein.

22. The above-stated actions are not only violations of Federal Law, but also constitute wrongful arrest and prosecution under common law.

PRAYER FOR RELIEF

WHEREFORE, for all the above reasons, Plaintiff respectfully prays that the Court grant the following relief:

(1) Enter a declaratory judgment finding that the foregoing actions of the Defendants violate 42 U.S.C. §1983 and 18 U.S.C. §101;

(2) Award compensatory damages to Plaintiff in an amount to be determined at trial, but known to be in excess of \$100,000.00;

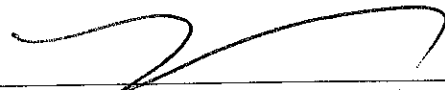
(3) Award punitive damages to Plaintiff in an amount to be determined by the jury that would punish Defendants for the willful, wanton, and reckless conduct alleged herein and that would effectively deter similar conduct in the future;

(4) Award Plaintiff his attorney's fees and costs pursuant to O.R.C. §4112.14(B);

(5) Order such other relief as this Court deems just and equitable.

Respectfully submitted,

THE LAW OFFICE OF REX A. WOLFGANG



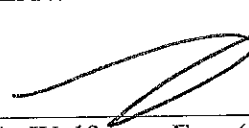
Rex A. Wolfgang, Esq. (0040521)
Attorney for Plaintiff, Christopher Harper
246 High Street
Hamilton, Ohio 45011
Telephone: (513) 868-2731
Facsimile: (513) 868-1190

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury of all issues so triable as of right.

Respectfully submitted,

THE LAW OFFICE OF REX A. WOLFGANG



Rex A. Wolfgang, Esq. (0040521)
Attorney for Plaintiff, Christopher Harper
246 High Street
Hamilton, Ohio 45011
Telephone: (513) 868-2731
Facsimile: (513) 868-1190

THE LAW OFFICE OF
REX A. WOLFGANG
246 HIGH STREET
HAMILTON, OHIO 45011
Tel. (513) 868-2731
Fax (513) 868-1190
E-MAIL rawolfgan@aol.com